

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-090358

12/11/2009

HONORABLE JAMES P. BEENE

CLERK OF THE COURT

K. Alger

Deputy

IN RE THE MARRIAGE OF  
JEFF COLLINS

ZUBAIR ASLAMY

AND

RICHELLE COLLINS

SONYA E UNDERWOOD

**ORDER**

Pending before this Court is Respondent/Mother's Motion for Clarification re: Petition for Enforcement of Decree [of] Dissolution, referencing Respondent's Petition to Enforce Decree of Dissolution, filed May 28, 2009. The parties entered a binding dissolution agreement in accordance with Rule 69 of the Arizona Rules of Family Law Procedure at an Alternative Dispute Resolution Conference on March 26, 2009. In response to Respondent's Petition to Enforce, Petitioner moved to have the decree set aside, or, alternatively, modified, which this Court denied in a detailed minute entry on September 28, 2009. Respondent now moves this Court to "clarify" the enforcement of the valid agreement reached between the parties.

Rule 91 of the Arizona Rules of Family Law Procedure provides the specific requirements for a motion to enforce prior court orders, including child support, spousal maintenance, and other matters. Respondent's May 28, 2009, Petition to Enforce Decree of Dissolution alleges issues regarding property (specifically, a vehicle), failure to pay an equalization payment, a telephone bill, medical expenses and payment "extra-curricular activities," real property (specifically, the residence), hostility in communications, and a request for attorney's fees. (Petition to Enforce, at 1-3.) However, the Petition does not comply with Rules 91(A), (C), (H), or other relevant parts of the applicable Arizona Rules of Family Law Procedure. Apart from an affidavit by Respondent verifying the truth or "believed" truth of the allegations, there are no Affidavits of Financial Information, no detailed summaries of medical bills including payment by insurance companies and unpaid balances, etc., no tax returns, and no submitted Order to Appear for this Court to issue, together with evidence of service on the

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opposing party, all of which are required by Rule 91 of the Arizona Rules of Family Law Procedure.

Further, Rule 91(R) provides, relevant part, as follows:

If a petition to enforce or modify a prior family court decree, judgment, or order is filed but not presented in proper form as required by these rules to the assigned division within one hundred twenty (120) days, is filed but not served upon the adverse party within one hundred (120) days after the filing, or is otherwise abandoned by the appearing parties with no activity for one hundred twenty (120) days, and there are no hearings or conferences scheduled with respect to the petition, the court may issue a notice that the petition will be dismissed by the court in no less than sixty (60) days without further notice, unless prior to the expiration of the sixty (60) days service is completed and further hearing is requested, or the court sets the petition for further proceedings.

Following this Court's order denying Petitioner's motion to set aside or modify the decree, if Respondent wishes to pursue enforcement of the decree by seeking a finding of contempt and appropriate sanctions, Respondent was free to present this Court with the affidavits and other requirements provided by the rules for prosecution of the pending Petition to Enforce Decree of Dissolution.

**IT IS ORDERED**, as clarification, that Respondent shall have sixty (60) days from the date of this order to file the necessary and appropriate supplements to the May 29, 2009, Petition to Enforce Decree of Dissolution to bring the petition in compliance with the relevant rules of the Arizona Rules of Family Law Procedure. Failure to comply with the rules in that time will result in dismissal of the petition pursuant to Rule 91(R), Ariz. R. Fam. Law P.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81(D), Arizona Rules of Family Law Procedure.

/ s / HONORABLE JAMES P. BEENE

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JUDICIAL OFFICER OF THE SUPERIOR COURT

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All parties representing themselves must keep the Court updated with address changes.  
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.